

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

WILLIAM FREEMAN,

Plaintiff

v.

TREMONT HEALTH SERVICES, INC. and
ANDREW MITCHELL

Defendants.

MAR 10 10 51

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-cv-10075-NG

**ANDREW MITCHELL'S ASSENTED TO MOTION FOR
EXTENSION OF TIME TO RESPOND TO COMPLAINT**


Andrew Mitchell moves the Court to extend until March 2, 2004 the time by which he has to answer, move or otherwise respond to William Freeman's complaint. Paul Kelly, the attorney of record for Mr. Freeman has assented to the extension requested by this Motion.

Mr. Mitchell's answer, motion or other responsive pleading would presently be due on February 17, 2004. Mr. Mitchell needs the additional time to fully respond to Mr. Freeman's complaint. Mr. Mitchell does not believe that this court has personal jurisdiction over him and he is not submitting to the jurisdiction of the court by this motion. *See A Connoisseur Transportation Corp. v. Celebrity Coach, Inc.*, 742 F.Supp. 39, 41 (D.Mass. 1990) citing *Marcial Ucin, S.A. v. S.S. Galicia*, 723 F.2d 994, 997 (1st Cir. 1983) (holding that a general appearance, such as a motion to extend time, will not waive a defendant's ability to contest party jurisdiction under Rule 12(b)).

Respectfully submitted,

ANDREW MITCHELL

By his attorneys,



DANIEL A. CURTO (BBO # 639883)
MCDERMOTT, WILL & EMERY
28 State Street
Boston, MA 02109-1775
(617)-535-4000
(617)-535-3800

DATED: February 10, 2004

CERTIFICATION OF SERVICE
I hereby certify that a true copy of the above
document was served upon the attorney of record
for each other party by mail (by hand) on 02/10/04
